IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.) NO.16864 OF 2006
IN
PUBLIC INTEREST LITIGATION NO.15 OF 2006

AND

PUBLIC INTEREST LITIGATION NO.15 OF 2006

Nitin Shrikant Chowgule .. Petitioner.
V/s.
M/s.Sri Mauli Builders & Ors. .. Respondents.

Mr.A.Y. Sakhare with Mr.A.B. Vagyani for the petitioner.
Mr.P.M. Patil, AGP for respondent No.4.

CORAM : R.M. LODHA &
NARESH H. PATIL, JJ.

DATED : 26TH JULY, 2006.

P.C. :

On June 28, 2006, the bench passed following order :

> "We wanted to know the credentials of the petitioner from his Advocate. The Advocate initially stated that petitioner is contractor. Thereafter he stated that petitioner runs foundry. Prima facie, it appears to us that this Petition has not been filed by the petitioner bonafide. To consider the matter further, we are of the view that petitioner must be asked to deposit a sum of Rs.1,00,000/- towards cost of the respondents if ultimately it is found that the Petition has not been filed bonafide.
>
> 2. We accordingly direct the petitioner to deposit a sum of Rs.1,00,000/- with the Registry within 4 weeks from today.
>
> 3. S.O. for 4 weeks."

2. Civil Application has been taken out by the petitioner praying therein that the order dated June 28,

2006 be recalled.

3. The order of deposit of sum of Rs.1,00,000/- towards costs of the respondents was passed by the Bench as, prima facie, the petition was not found to be pro bono. We find no justification to recall the order dated June 28, 2006.

4. The Civil Application is, accordingly, rejected.

5. At this stage, Mr.A.Y. Sakhare, senior counsel for the petitioner submits that the petitioner is not in financial position to deposit the sum of Rs.1,00,000/- and that the petitioner may be permitted to withdraw the writ petition. Since the writ petition is liable to be dismissed and does not deserve to be entertained as it has not been filed PRO BONO PUBLICO, we dismiss the writ petition, accordingly. Even otherwise, for want of deposit of Rs.1,00,000/- as directed in the order dated June 28, 2006, the writ petition is liable to be dismissed.

6. The writ petition is dismissed.

(R.M. LODHA, J.)

(NARESH H. PATIL, J.)